

CASE NO.: AM9990138US1  
Serial No.: 09/487,502  
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**PATENT**  
Filed: January 19, 2000

being statutory. To the extent that this sentence pertains, as it logically would appear to pertain, to the claims (1-11 and 36-35) in the preceding sentence, Applicant points out that independent claims 1 and 26 require digitally signing an entity, plainly something that is no mere collection of information.

5. To the extent that the allegation about a mere collection of information pertains to claims 12-18, the succeeding sentences appear to be *non-sequiturs*. Specifically, the next assertion in the rejection is that claims 12-18 are mere functional descriptive material, i.e., a computer program, and that since the specification indicates that the computer readable code in the claims is C++, "therefore the claims are directed to a computer program." However, the specification does not state what the examiner alleges it states. It simply states that "in an *illustrative embodiment* of the invention, the computer-executable instructions may be lines of compiled C++ compatible code." Moreover, Applicant does not understand why the mere fact that a patent specification discloses a particular type of programming language somehow renders the claims non-statutory. What is the legal authority for this apparent position? Or does the examiner mean something else? Like, perhaps, that if Applicant were to use the currently preferred incantation of "computer medium" then the claims would be imbued with a patentable alchemy? Applicant does not wish to amend the claims based on guesses.

6. Finally, Applicant requests that the Tech Center Director telephone the undersigned and help the undersigned understand why, almost three years since claim 12 was last amended and after two appeal briefs and repeated jumping from one set of references to another by the examining corps, only now is a Section 101 rejection being made, so that the undersigned can explain what is going on to the assignee.

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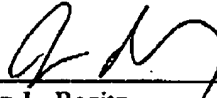
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Respectfully submitted,



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